



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

August 14, 2012

1208-VS-09

Exhibit 1

Petition Number: 1208-VS-09

Subject Site Address: 19123 Mule Barn Road

Petitioner: John and Sandra Hutzler

Request: The petitioner is requesting two additional Variances of Standard from the Westfield-Washington Township Zoning Ordinance, as follows: (WC § 16.04.100.2.b.vii) to allow the total square footage of accessory buildings to exceed the total square footage of the principal building by 1,219 square feet; (WC § 16.04.100.2.c.i. (2).(ii)) to allow for an accessory structure to be erected in the front yard of the principal structure.

Current Zoning: AG-SF1

Current Land Use: Residential

Approximate Acreage: 23 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Petitioner Plans

Staff Reviewer: Andrew Murray, Associate Planner

Petition History

This petition will receive a public hearing at the August 14, 2012 Board of Zoning Appeals meeting.

Analysis

The subject property is approximately 23 acres in size and is located on Mule Barn Road, approximately 550 feet south of 193rd Street (the "Property"). The Property is zoned Agriculture – Single Family 1 District ("AG-SF1"). The Property is bounded by agriculture uses and large lot residential uses. The Property does not fall within any of the City's overlay districts.

The petitioner is requesting two additional variances of standard to allow an accessory structure to be constructed to serve the use of a kennel operation.



Variance of Development Standard #1 - WC § 16.04.100.2.b.vii

The proposed accessory structure would measure 72 feet by 30 feet and have a gross floor area of 2,160 square feet. The combined square footage of existing and proposed accessory structure square footage is 4,055 square feet, which exceeds the total square footage of the principal structure by 1,219 square feet.

Per WC § 16.04.100.2.b.vii, accessory structures must be subordinate to the principal structure in height, width, length and bulk.

Variance of Development Standard #2 – WC § 16.04.100.2.c.i.(2).(ii)

The proposed accessory structure would be constructed approximately 65 feet in the front of the existing, primary residence.

Per WC § 16.04.100.2.c.i.(2).(ii), no accessory structure may be erected in the front yard of a principal structure.

Procedural

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variances would be injurious to the public health, safety, morals, and general welfare of the community. The AG-SF1 zoning district permits structures, which are accessory to the permitted and primary residential use. While the total square footage of accessory structure exceeds the primary structure in size, the primary use of the site would remain residential and not a kennel operation. The Property is fenced around its perimeters. The proposed kennels would be indoors in a climate controlled building and the animals would have access to private outdoor runs. The animals would not be permitted to run freely on the Property without supervision.



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2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed structure should not have a negative impact on surrounding property owners, as a majority of the surrounding property is farm land. The indoor kennels will have privacy walls to minimize animal anxiety and barking. Any feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

Finding: Strict adherence to the zoning ordinance would result in the inability to construct the structure, as proposed. Adhering to the zoning ordinance would result in the structure being located further from the existing accessory structure and making it difficult to connect the two structures as one.

Recommendation

If the Board finds that the application of the terms of the zoning ordinance would result in practical difficulties in the use of the Property and adjacent property values will not be affected in a substantially adverse manner, then approve 1206-VS-06.